

MINUTES

ALCOHOL AND TOBACCO COMMISSION

NOVEMBER 4, 2002

CALL TO ORDER/NOTING OF QUORUM

Chairperson DePrez called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Glass, Commissioner Marks and Commissioner Davis. Also in attendance were Superintendent Davis and Industry Liaison Okey.

Grant Monahan of IRC, Ronna Chappell of ILBA, Deb Scott of IABR, John Barnett of DISCUS, Lisa Goldner of Bose McKinney and Evans and Jeff McKean were present as observers.

IN RE: THE APPEAL OF JOHN DUGAN, JR. – Chairperson DePrez removed this item from the Agenda, due to the fact that written notification was not provided to the attorneys concerning this matter. Formal notice will go out after this meeting regarding the pending issues, including when the issues will be heard by the Commission and a time frame for any further briefing to be submitted to the Commission.

Chairperson DePrez stated the Commission has a 60-day window in which it has to vote on the Findings of the Hearing Judge. She asked if the attorneys would be willing to waive the 60 days in case there are any more briefs or matters to come before the Commission. Both Mark Jones and Larry Reuben waived the 60 days.

Chairperson DePrez stated Mr. Reuben's brief, if he chooses to submit one, is due on November 15, 2002

COMMUNICATIONS FROM THE FLOOR

No Communications From the Floor.

DISPOSITION OF MINUTES

Commissioner Marks moved to approve the minutes that were submitted for the October 15, 2002 meeting. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

Commissioner Davis moved to approve the PAD forms that were submitted for the November 4, 2002 meeting, pending approval by the Hearing Judge. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

DL46-05494 S & B, INC. – Chairperson DePrez stated the Hearing Judge has submitted his Proposed Findings of Fact and Conclusions of Law in the above-referenced violation hearing.

Commissioner Davis moved to approve the Hearing Judge’s recommendation to find the permittee guilty of the violation. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPEAL OF HEARING JUDGE’S RECOMMENDATIONS

No Appeals of Hearing Judge’s Recommendations.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Davis and it was unanimously approved.

Four hundred forty-eight (448) renewals approved, fifty-five (55) new and/or transfer permits approved, thirteen (13) permits conditionally approved, six (6) permits approved for first year escrow, two (2) permits approved for second year escrow and one (1) permit approved for third year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Commissioner Marks moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR49-19935 TGO, LLC – Vice Chairperson Glass noted this is a new type 209 application with the local board voting four (4) to zero (0) to disapprove.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the new permit. Motion seconded by Commissioner Davis and it was unanimously approved.

RR49-00528 CHANDLER & JAMES CORPORATION – Vice Chairperson Glass noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to disapprove.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the renewal. Motion seconded by Commissioner Marks and it was unanimously approved.

DL72-19980 HOOK-SUPERX, INC. – Vice Chairperson Glass noted this is a new type 208 application with the local board voting three (3) to zero (0) to disapprove.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the new permit. Motion seconded by Commissioner Davis and it was unanimously approved.

RR04-20010 THOMAS R. GREENWOOD & RONALD L. WINCHESTER – Vice Chairperson Glass noted this is a new type 112 permit with the local board voting two (2) to one (1) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the new permit. Motion seconded by Commissioner Marks and it was unanimously approved.

RR79-98345 MYLICO, INC. – Vice Chairperson Glass noted the location of this permit has been annexed into the city limits of Lafayette. Permittee is requesting this permit be converted from a type 209 permit to a type 210 permit.

Vice Chairperson Glass moved to approve this request. Motion seconded by Commissioner Davis and it was unanimously approved.

INACTIVE FILES

Commissioner Marks moved to make nineteen (19) permits inactive. Fifteen (15) permits are not subject to auction and four (4) permits are subject to auction. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

RR71-05184 429, INC. – Chairperson DePrez noted this permit was made inactive on 9-17-02. At that time, the Commission was not aware that this corporation was in bankruptcy. The Commission has now been notified about the bankruptcy.

Chairperson DePrez moved to reactivate this permit. Motion seconded by Commissioner Davis and it was unanimously approved.

APPEALS FROM LOCAL BOARD RECOMMENDATIONS

RR49-11190 LUCKY ENTERTAINMENT, INC. & DL72-19980 HOOK-SUPERX, INC. – Chairperson DePrez stated appeals have been filed.

OLD BUSINESS

No Old Business.

NEW BUSINESS

SOUTH BEND REGIONAL MUSEUM OF ART A DOWNTOWN SAMPLING – South Bend Regional Museum of Art would like to host a wine tasting event.

WORLD PRESIDENTS' ORGANIZATION EVENT – World Presidents' Organization would like to serve donated alcoholic beverages at their event.

ROTARY INTERNATIONAL BEER AND WINE TASTING – Rotary Club would like to hold a wine tasting.

VINCENNES ROTARY CLUB ROTARY RAFFLE ROYALE – Vincennes Rotary Club would like to serve donated alcoholic beverages at their Rotary Raffle Royale.

ALZHEIMER'S ASSOCIATION WINE TASTING – Alzheimer's Association would like to hold a wine tasting event.

STANLEY K. LACY LEADERSHIP ASSOCIATION, INC. – Stanley K. Lacy Leadership Association, Inc. would like to serve donated alcoholic beverages at their reception.

"STAND UP FOR FAMILIES" EVENT – Family Service Association of Central Indiana would like to serve donated alcoholic beverages at their fundraising event.

ST. SIMON ROYAL EXTRAVAGANZA FUNDRAISER – St. Simon is requesting permission to serve donated alcoholic beverages at their Royal Extravaganza fundraiser.

Industry Liaison Okey recommended that the Commission approve all of these requests, except for the Alzheimer's Association wine tasting. Mr. Okey stated that this event did not qualify under our policies.

Commissioner Davis moved to approve Industry Liaison Okey's recommendation. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

DL02-19972 KELTSCH BROS., INC. – Chairperson DePrez stated the attorney of record in the above referenced case filed a Motion To Correct The Record And Request For Final Inspection And Issuance Of Permit, due to the fact that he misspoke at the local board hearing concerning the floor plan. The attorney felt the record needed to be corrected. The final inspection has been done and the permit has been issued.

Chairperson DePrez moved to allow the attorney to file this Motion to Correct The Record. Motion seconded by Commissioner Marks and it was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations.

UNDER ADVISEMENT

Nothing Under Advisement.

ANNOUNCEMENTS

There were no Announcements.

ADJOURNMENT

Commissioner Davis moved to adjourn the meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

Approved this _____ day of _____, 2002.

MARY DEPREZ, CHAIRPERSON

BARBARA L. GLASS, VICE CHAIRPERSON

JAMES DAVIS, COMMISSIONER

GIGI M. MARKS, COMMISSIONER